8180400/2023/OP.I-FIN01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment - Finance Department – Sri K. Vijaya Satyanand, Assistant Section Officer – Dismissed from service – Dismissal orders set aside by the Court - Cancellation of orders - Deemed reinstatement into service & placed under deemed suspension and Deemed retirement on superannuation – Conducting further enquiry - Orders – Issued.

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FINANCE (OP.I) DEPARTMENT

G.O.Ms.No.119 **Dated:03-11-2023.**

Read the following:

1. G.O.Ms.No.2510, Finance (OP.I) Department, Dt.11-09-2004.
2. Hon'ble A.P. Administrative Tribunal orders Dt.06-04-2009 in O.A.No.5588 of 2004.
3. Hon'ble High Court of Telangana orders Dt.02-09-2022 in W.P.No.26447 of 2009
4. Representation of Sri K. Vijaya Satyanand, Assistant Section Officer (dismissed from service) Dt.
5. W.P.No.7567 of 2003 in Hon'ble High Court of Telangana filed by of Sri K. Vijaya Satyanand

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ORDER:

In the reference first read above, orders were issued for imposition of major penalty of dismissal from Government service in respect of Sri K. Vijaya Satyanand, Assistant Section Officer after following the due procedure, for misappropriation of huge funds of Government in Water Shed Management Program by floating an N.G.O.

2. Sri K. Vijaya Satyanand, Assistant Section Officer (dismissed) has approached the Hon'ble A.P. Administrative Tribunal and filed O.A.No.5588 of 2004 against the dismissal order in G.O.Ms.No.2510, Finance (OP.I) Department, Dt.11-09-2004.

3. In the reference second read above, the Hon'ble A.P. Administrative Tribunal. vide orders Dt.06-04-2009 in O.A.No.5588 of 2004 set aside the impugned Memo.No.7971-J/199/A3/OP.I/2001 Finance & Planning (FW:OP.I) Department, Dt.09-04-2001, and consequential orders in G.O.Ms.No.2510, Finance (OP.I) Department, Dt.11-09-2004 and directed the respondents as follows:

> "the impugned proceeding are liable to be set aside and they are set aside accordingly as the enquiry was conducted without issuing any charge memo in accordance with rules and the matter is being remanded to the disciplinary authority to proceed against the applicant in accordance with rules as the matter relates to the misappropriation of amounts. From the date of dismissal till the date of conclusion of the disciplinary proceedings after remand, the applicant should be treated as under suspension and shall be paid subsistence allowance along with the arrears within a period of Eight weeks from the date of receipt of a copy of this order. It is left open for the respondents to initiate and conclude the disciplinary proceedings in accordance with rules as expeditiously as possible".

4. Government after examination of the above orders, decided to file appeal before Hon'ble High Court of Andhra Pradesh against the orders of Hon'ble A.P. Administrative Tribunal. Accordingly, W.P.No.26447 of 2009 was filed and in the reference third cited, the Hon'ble High Court of Telangana has observed and passed orders Dt.02-09-2022 in W.P.No.26447 of 2009 as follows:

> "2.Perusal of the record further disclosures that no interim orders were granted by this Court, which would mean that the orders of the Tribunal had been worked out itself and at this point of time, the question of hearing the writ petition on merits would not arise, more so when the respondent is aged about 68 years.

(P.T.O)

3.Court is not inclined to entertain the writ petition, more so, when the liberty was given to the petitioner to reinitiate the disciplinary proceedings, it has not initiated disciplinary proceedings and taken action in accordance with law. Since, there were no interim orders granted by this Court, which would mean that the petitioner was entitled to initiate disciplinary proceedings, this Court cannot interfere on that grounds also"

5. In the meanwhile, the individual has attained the age of superannuation on 31-07-2012 during the dismissal period.

6. Government after careful examination of the matter keeping in view of the orders of Hon'ble High Court of Telangana in W.P.No.26447 of 2009 Dt.02-09-2022 & orders of Hon'ble A.P. Administrative Tribunal in O.A.No.5588 of 2004 Dt.06-04-2009 hereby cancel the orders issued in G.O.Ms.No.2510, Finance (OP.I) Department, Dt.11-09-2004 and ordered that:

i. The individual shall be deemed to have been placed under suspension from the date of original order of dismissal from service i.e 11-09-2004 till 31-07-2012 in terms of Rule-8(4) of APCS (CC&A) Rules, 1991.

ii. The individual shall be deemed to be retired from service on superannuation on 31-07-2012.

iii. To hold de novo inquiry against Sri K. Vijaya Satyanand, formerly Assistant Section Officer, Finance Department in terms of Rule-20 of APCS (CC&A) Rules, 1991 & Rule-9 of A.P. Revised Pension Rules, 1980.

7. During the period of suspension, Sri K. Vijaya Satyanand, formerly Assistant Section Officer, Finance Department shall be paid subsistence allowance in accordance with the Rule-53 of A.P. Fundamental Rules.

8. Sri K. Vijaya Satyanand, formerly Assistant Section Officer, Finance Department shall be paid provisional pension in accordance with Rule-52 (1) (a) of A.P. Revised Pension Rules, 1980 with effect from 01-08-2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAMSHER SINGH RAWAT
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri K. Vijaya Satyanand, formerly Assistant Section Officer, Finance Department,
Flat No. G-8, Prashanthi Pranganam,
Road No.01, Doctors Colony,
Hyderabad -500035
Telangana State.

Copy to:
The Finance (Claims) Department.
The Special Chief Secretary to Government, Finance Department, Secretariat, Government of Telangana.
The PS to Spl. C.S./Prl.Secy(HR)/Secy (RM&FP)/Secy.(B&IF)
SF/SC's (2028754)

//FORWARDED:: BY ORDER//

SECTION OFFICER